UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,073	10/26/2000	Martin John Ellis	36-1372	1461

23117 7590 02/21/2006

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
EL HADY, NABIL M	
ART UNIT	**PAPER NUMBER**
2152	

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/674,073	ELLIS ET AL.	
	Examiner	Art Unit	
	Nabil M. El-Hady	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *20-31,36,37,39,49,50,62 and 63* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *20-31,36,37,39,49,50,62 and 63* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. *2/15/2006*.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/30/2006 has been entered.

2. Claims 1-63 are pending in this application. Claims 1-19 have been cancelled and claims 20-50 have been added in amendment filed 4/13/2004. Claims 51-61 have been added in amendment filed 11/8/2004. Claims 32-35, 38, 40-48, and 51-61 have been cancelled and claims 62-63 have been added in amendment filed 1/30/2006.

3. Claims 20-31, 36-37, 39, 49-50, and 62-63 are now presented for examination.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 20, 36, 37, 39, 49, 50, 62, and 63 are rejected under 35 U.S.C. 102(b) as being anticipated by and/or under 103(a) as being unpatentable in view of TINA Consortium Publications: (1) Overall Concepts and Principals of TINA, Version 1.0, February 1995, hereinafter "TINA-1"; (2) Network Resource Architecture, Version 3.0, February 1997, hereinafter "TINA-2", and (3) Service Component Specification, Computational Model and Dynamics, Version 1.0b, Final, January 1998, hereinafter "TINA-3".

6. TINA-1, TINA-2, and TINA-3 are cited by the applicant in previously filed IDS papers.

7. As to claim 20, TINA-1 discloses a communications system comprising a plurality of client side and server side computing elements, each computing element supported by a distributed processing environment whereby distributed software objects in different physical parts of the system interact by passing messages via data communications links, the communications system including service generic code and service specific code, which is distributed between said plurality of computing elements during a service session, wherein the service generic code supports a plurality of differing types of service during a service session (TINA-1, Section 3, Overall framework of TINA systems, pages 3-1 to 3-7), said service generic code when in use comprising a session manager which performs functions generic to said plurality of differing types of service during service sessions (TINA-1, Section 8.3.1 Service management, page 8-4); wherein for each type of said differing types of service, said session manager is arranged during a service session (TINA-1, Section 7.1 Session concept, page 7-1) in which a plurality of participants participate (TINA-1, Section 7.1 Session concept, page 7-1), to generate a separate event message in response to each discrete change in a session-related status of an individual one of the plurality of participants in the session (TINA-2, Section 7.3, event-driven accounting management, page 7-142), the discrete changes in the session-related status of each of the individual participants including each individual participant joining the session and the same individual participant leaving the session (TINA-2, Section 7.2.3 Accounting management context, page 7-140), separate event messages respectively indicating the joining and leaving of the session of that same individual participant (TINA-2, Section 7.2.3 Accounting management context, page 7-140) , wherein a service-session event handler receives logically uncombined events transmitted in the separate event messages respectively generated in response to each change in the session-related status of said plurality

of participants without any historical data (TINA-2, Sections 7.22, 7.2.3, and 7.4, 7.4.4) ; and the service session event handler determines respective charges for each particular participant's participation in the session based on that participant's discrete changes in status including that individual participant's joining and leaving the session as well as each of the other participant's changes in status including each of the other participant's joining and leaving session (TINA-2, Section 7.2.2 Basic Accounting Cycle, page 140, and how the tariffing structure directly / indirectly influences how the metering information is categorized at the classification cycle, and the classification categorizes directly/indirectly influences the metering cycle on how the metering information is collected from usage of service; page 7-141 of TariffStructure; page 7-142 of Policy based accounting control; page 7-149 of Accounting Event where multiple of accounting data may be piggybacked in one accounting event; page 7-172 of accounting event management ladder; and TINA-3, Section 4.4.17 Service Session Accounting, page 111, where the billing information is calibrated by taking both performance monitoring results and price compensation scheme into account).

8. It is noted here that an event message as disclosed by applicant in pages 18-19 of the specification contains: a session ID, the name of the service (or an identifier) being supplied during the session, a category of the event, the event type (start, stop, joined), a data/time stamp, a participant ID, the user name, the identity of the party to be billed. This Clearly shows that an event of the type start is associated with a date/time stamp, and another event with the type stop is associated with a date/time stamp. Each of these event messages constitutes a logical uncombined event. These event messages are the same event messages discloses by TINA Consortium Publications.

9. As to claim 36, the claim is rejected for the same reasons as claim 20 above.

10. As to claim 37, TINA discloses the charge indicated for said particular participant is dependent on the number of other participants in said service session (TINA-2, Section 7.2.2 Basic Accounting Cycle, page 140, and how the tariffing structure directly / indirectly influences how the metering information is categorized at the classification cycle, and the classification categorizes directly/indirectly influences the metering cycle on how the metering information is collected from usage of service; page 7-141 of TariffStructure; page 7-142 of Policy based accounting control; page 7-149 of Accounting Event where multiple of accounting data may be piggybacked in one accounting event; page 7-172 of accounting event management ladder; and TINA-3, Section 4.4.17 Service Session Accounting, page 111, where the billing information is calibrated by taking both performance monitoring results and price compensation scheme into account).

11. As to claim 39, TINA discloses the charges indicated for said other participants are dependent only on logically uncombined events indicating respective changes in statuses of the respective participants for which the billing records are produced (TINA-2, Section 7.2.2 Basic Accounting Cycle, page 140, and how the tariffing structure directly / indirectly influences how the metering information is categorized at the classification cycle, and the classification categorizes directly/indirectly influences the metering cycle on how the metering information is collected from usage of service; page 7-141 of TariffStructure; page 7-142 of Policy based accounting control; page 7-149 of Accounting Event where multiple of accounting data may be piggybacked in one accounting event; page 7-172 of accounting event management ladder; and TINA-3, Section 4.4.17 Service Session Accounting, page 111, where the billing information is

calibrated by taking both performance monitoring results and price compensation scheme into account).

12. As to claim 49, the claim is rejected for the same reasons as claims 20 and 36 above. In addition, TINA-1, TINA-2, TINA-3 discloses service-session manager being arranged to instantiate a service-generic service session objects to control the service sessions (TINA-2, Sections 7.2, 7.4, 7.5). Moreover, all service-session behavior related events are interpreted to be disclosed under event-driven accounting management of TINA-2.

13. It is clearly disclosed in all available prior art of TINA Consortium Publications, that part of the functional requirements (e.g. TINA-2) is the event-driven accounting management, which is more suited approach for distributed style of management (page 142, sec. 7.3). The basis for that accounting is accountable objects, which are able to generate accountable events. The events can be directed to a metering manager to process (Page 7-148, sec. 7.4.4, page 7-149, sec. 7.4.5, page 7-152, sec. 7.5.3).

14. As to claim 50, the claim is rejected for the same reasons as claims 20 and 36 above. In addition, all service-session behavior related events indicating discrete and immediate change in the service-session behavior related status are interpreted to be disclosed under event-driven accounting management of TINA-2.

15. As to claim 62, the claim is rejected for the same reasons as claims 20, 36, and 50 above. Inaddition, TINA-1 discloses , in a telecommunications system, an apparatus arranged to generate billing records (TINA-2, Section 7.2.3 Accounting management context, page 7-

140) for participation in a service session in which a plurality of participants participate (TINA-1, Section 7.1 Session concept, page 7-1), the service session being provided by the telecommunications system, said apparatus comprising means for generating event messages indicating discrete changes in the session- related status of individual participants in said service session, said changes including at least a participant joining the session and that same participant leaving the session, and wherein separate messages are generated in respect of the participant joining the session and in respect of that same participant leaving the session (TINA-2, Section 7.3, event-driven accounting management, page 7-142); and event-handling means for receiving said event messages and generating a plurality of billing records each containing data indicating a charge for a respective different individual participant's participation in said service session (TINA-2, Sections 7.22, 7.2.3, and 7.4, 7.4.4) , wherein the generation of a billing record for a particular participant's participation in said service session is performed as a function both of event messages indicating discrete changes in the session-related status of that particular participant and of event messages indicating discrete changes in the session-related status of at least one of the other participants in said service session , such that the charge indicated for said particular participant is dependent on the status of said other participant during said service session and the status of said particular participant (TINA-2, Section 7.2.2 Basic Accounting Cycle, page 140, and how the tariffing structure directly / indirectly influences how the metering information is categorized at the classification cycle, and the classification categorizes directly/indirectly influences the metering cycle on how the metering information is collected from usage of service; page 7-141 of TariffStructure; page 7-142 of Policy based accounting control; page 7-149 of Accounting Event where multiple of accounting data may be piggybacked in one accounting event; page 7-172 of accounting event management ladder; and TINA-3, Section 4.4.17 Service Session Accounting, page 111, where the billing information is

calibrated by taking both performance monitoring results and price compensation scheme into account).

16. As to claim 63, the claim is rejected for the same reasons as claims 20, 36, 50, and 62 above.

17. Claims 20 is further rejected and claims 21-28, 30, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by and/or 103(a) as being unpatentable in view of Yates et al. (US 6,330,586), hereinafter "Yates".

18. Yates is cited by the examiner in a previous office action.

19. It is noted here that Yates discloses that an information networking architecture of the type defined by TINA Consortium is a suitable technical context for embodiments of his invention (col. 7, lines 26-31; and col. 8, lines 29-63). Such information services infrastructure responds rapidly and at low cost, and has the attractive characteristics that it is flexible, extendible, scalable, reusable, adaptable, manageable, and robust (col. 6, line 51 to col. 7, line 9).

20. As to claim 20, Yates teaches a communications system comprising a plurality of client side and server side computing elements, each computing element supported by a distributed processing environment whereby distributed software objects in different physical parts of the system interact by passing messages via data communications links, the communications system including service generic code and service specific code, which is distributed between

said plurality of computing elements during a service session, wherein the service generic code supports a plurality of differing types of service during a service session (abstract, col. 1, line 55 to col. 2, line 10), said service generic code when in use comprising a session manager which performs functions generic to said plurality of differing types of service during service sessions (e.g. col. 11, lines 49-55); wherein for each type of said differing types of service, said session manager is arranged during a service session (col. 11, lines 49-52, col. 24, lines 30-35, and SESSION MANAGER of Fig. 4) in which a plurality of participants participate (col. 12, lines 37-38), to generate a separate event message in response to each discrete change in a session-related status of an individual one of the plurality of participants in the session (col. 11, lines 54-59, col. 12, lines 11-14), the discrete changes in the session-related status of each of the individual participants including each individual participant joining the session and the same individual participant leaving the session (col. 11, lines 54-57,col. 12, lines 11-14, col. 13, lines 64-67, col. 14, lines 7-11), separate event messages respectively indicating the joining and leaving of the session of that same individual participant (col. 11, lines 54-57, and col. 12, lines 11-14, col. 13, lines 64-67, col. 14, lines 7-11), wherein a service-session event handler receives logically uncombined events transmitted in the separate event messages respectively generated in response to each change in the session-related status of said plurality of participants without any historical data (col. 23, lines 57-60, col. 24, lines 14-17, col. 27, lines 32-34, ACCOUNTER of Fig. 4); and the service session event handler determines respective charges for each particular participant's participation in the session based on that participant's discrete changes in status including that individual participant's joining and leaving the session as well as each of the other participant's changes in status including each of the other participant's joining and leaving session (col. 12, lines 13-14).

21. As to claim 21, Yates teaches the communications system wherein the computing elements include: a retailer server (e.g. Figure 1); a plurality of third party servers, each third party server being arranged to have access to a data base for the storage and retrieval of service related data (e.g. Figure 1); and a plurality of user terminals connected to the retailer server via a data communications network (e.g. Figure 1).

22. As to claim 22, Yates teaches the communications system wherein the third party servers are connected remotely to the retailer server via communications links (e.g. Figure 11).

23. As to claim 23, Yates teaches the communications system wherein the third party servers are co-located with the retailer server (e.g. Figure 1).

24. As to claim 24, Yates teaches the communications system wherein the retailer server comprises one or more servers interconnected in a network (e.g. Figure 1).

25. As to claim 25, Yates teaches the communications system wherein at least one of said plurality of third party servers comprises a plurality of servers interconnected in a network (e.g. Figure 1).

26. As to claim 26, Yates teaches the communications system wherein at least one of the user terminals comprises a mobile communications terminal (e.g. col. 3, lines 24-35).

27. As to claims 27 and 28, Yates discloses said event handler comprises a pricing data processor for pricing a participant's usage of a service during a service session (inherent in col. 23, lines 57-60, col. 24, lines 14-17, col. 27, lines 32-34, ACCOUNTER of Fig. 4)

28. As to claim 30, Yates teaches the communications system wherein said event handler comprises a cost data processor for costing a service provided by a third party during a service session (e.g. col. 16, lines 28-35).

29. As to claim 31, Yates teaches the communications system wherein said event handler comprises an event message multiplier for copying said event messages and distributing said copied messages to a plurality of event processors (e.g. col. 9, lines 1-15).

30. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yates in view of Ginzboorg et al. (US 6,047,051) (hereinafter Ginzboorg)

31. As per claim 29, Yates does not specifically teach the communications system wherein said event handler comprises a service usage monitor for storing and/or analyzing usage of said services over statistically significant numbers of service sessions. Ginzboorg teaches the communications system wherein said event handler comprises a service usage monitor for storing and/or analyzing usage of said services over statistically significant numbers of service sessions (e.g. col. 1, lines 23-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Yates with Ginzboorg. The motivation would have been to providing any required analysis for different billing models.

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Grantham et al. (US 6,073,160) ; Walco (US 6,519,248) ; Christie et al. (US 6,674,759); Owen et al. (US 6,611,501); and Wagner (US 4,980,826).

33. Applicant's arguments filed 1/30/2006 have been fully considered but they are not persuasive.

34. In the remarks, applicants argued in substance that (1), TINA fails to disclose or even suggest that charges for a session participant is determined not only on discrete changes of that participant joining and leaving a session, but also at least another participant's joining and leaving the session. (2) Yates fails disclose or even suggest that charges for a session participant is determined not only on discrete changes of that participant joining and leaving a session, but also at least another participant's joining and leaving the session.

35. Examiner respectfully traverses applicants' remarks.

36. Applicant is referred to the above rejections. First, TINA and Yates, which is based on TINA, disclose in theses sections (TINA-2, Section 7.2.2 Basic Accounting Cycle, page 140, and how the tariffing structure directly / indirectly influences how the metering information is categorized at the classification cycle, and the classification categorizes directly/indirectly influences the metering cycle on how the metering information is collected from usage of service; page 7-141 of TariffStructure; page 7-142 of Policy based accounting control; page 7-149 of Accounting Event where multiple of accounting data may be piggybacked in one accounting event; page 7-172 of accounting event management ladder; and TINA-3, Section

4.4.17 Service Session Accounting, page 111, where the billing information is calibrated by taking both performance monitoring results and price compensation scheme into account) the necessary means and components to accomplish the determination of charges for a session participant on the basis of discrete changes of that participant joining and leaving a session, as well as at least another participant's joining and leaving the session.

37. Second, with the means and components in place for collecting the events, it is a matter of implementing an accounting or pricing policy that base the charges for a session participant on discrete changes of that participant as well as at least another participant. TINA Consortium describes an event-driven accounting model that comprises accountable objects which generate accounting events which are sent to a metering manager which perform logging, filtering and processing for the sake of billing. TINA Consortium describes a session subsystem comprising a session manager offering generic functions for multi-part sessions, in which TINA accounting principles can be applied. Finding a policy for charging of multi-party session services where determination of charges depend on state changes of other participants of a session is merely one of several straightforward possibilities from which a skilled person in the art would select, in accordance with circumstances, without the exercise of inventive skill. Other straightforward possibilities for charging based on event messages would be e.g. the charging depending on time of event, duration of session participation, etc.

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M. El-Hady whose telephone number is (571) 272-3963. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 7, 2006

Nabil El-Hady, Ph.D, M.B.A.
Primary Examiner
Art Unit 2152